

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JIM EPPENSTEIN and DEBORAH  
EPPENSTEIN,

Plaintiffs,

v.

BERKS PRODUCTS CORP., BERKS  
COUNTY COMMISSIONERS,  
MUHLENBERG SCHOOL DISTRICT, and  
MUHLENBERG TOWNSHIP  
AUTHORITY,

Defendants.

CIVIL ACTION NO. 15-2188

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of November, 2015, after reviewing all outstanding motions, supporting briefs, and responsive briefs; and after reviewing the amended complaint (Doc. No. 30); and after oral argument held before the undersigned on October 16, 2015; and for the reasons expressed in the accompanying memorandum opinion; accordingly, it is hereby **ORDERED** that the outstanding motions to dismiss (Doc. Nos. 25, 26, 27, 42) are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. The motions, insofar as some of the defendants request that the court dismiss all federal claims for failure to comply with the statutory notice requirements, are **GRANTED** and all federal claims are **DISMISSED WITHOUT PREJUDICE**;

2. The motions, insofar as some of the defendants request that the court decline to exercise supplemental jurisdiction over any related state-law claims, are **GRANTED** and any related state-law claims are **DISMISSED WITHOUT PREJUDICE**; and

3. In all other respects, the motions are **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the clerk of court is **DIRECTED** to mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith  
EDWARD G. SMITH, J.